

MR. CHAIRMAN: The question is:

"That the Bill to make provisions for the insurance of certain property in India against damage by enemy action during the period of emergency, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clauses 2 to 20 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI B. R. BHAGAT: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL, 1962.

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND EMPLOYMENT AND FOR PLANNING (SHRI C. R. PATTABHI RAMAN): Sir, I move:

"That the Bill further to amend the Workmen's Compensation Act, 1923, as passed by the Lok Sabha, be taken into consideration."

The Workmen's Compensation Act, 1923 was the first piece of legislation laying an obligation on the employers to compensate their employees for injuries caused by industrial accidents or for occupational diseases. The Employees' State Insurance Act, 1948 provided for the introduction of a limited scheme of social insurance, transferring the responsibility for the payment of compensation and the provision of medical benefits from the employers to a statutory corporation. However, it will take a considerable time to extend the scheme to all

workers who are presently obtaining benefits under the Act of 1923. Pending this extension, a large body of workers can obtain relief only under the 1923 Act.

[THE DEPUTY CHAIRMAN in the Chair]

The scope of the Workmen's Compensation Act was extended from time to time and it was last amended in 1959 with a view *inter alia* to removing the distinction between adults and minors in matters of compensation rates, enlarging the list of occupational diseases, etc., etc.

The need for revising the Act at frequent intervals arose from changes in the cost of living, introduction of new and more complicated machinery and alterations in the methods of production giving rise to new occupational diseases.

The most important change contemplated in the present Bill is, firstly, to enhance the rates of compensation for temporary disablement and, secondly, to double the rates of compensation payable in the case of death and permanent total disablement. This upward revision in the rates is justified by the increase in the cost of living.

At present the wage limit for coverage under the Act is Rs. 400. It is now proposed to bring workers drawing wages up to Rs. 500 within the scope of the Act. This extension was recommended by the Indian Labour Conference at its 17th Session held in July, 1959.

The Bill also seeks to slightly modify Schedule III of the Act which lists the diseases for which compensation is payable and the occupations in which they are likely to arise. This list includes the diseases mentioned in the list appended to I.L.O. Convention No. 42 concerning Workmen's Compensation for Occupational Diseases. But the description of certain employments in the Schedule to our Act does not fully cover the trades, industries or processes specified in the Convention. This is now

[Shri C. R. Pattabhi Raman] being done through this Bill and this will enable the Government of India to ratify the International Labour Organisation Convention as recommended by our Tripartite Committee on Conventions and endorsed by the Indian Labour Conference.

There are certain other minor or consequential changes which the Bill seeks to introduce. Thus, such of the employment injuries specified in the First Schedule of the Act as result in cent. per cent. loss of earning capacity will, in future, be deemed to cause permanent total disablement. It is also proposed that the present time-limits and conditions for preferring claims to compensation should be liberalised in so far as occupational diseases are concerned.

12 Noon

Finally, it is proposed that compensation should be payable not only to persons employed within the premises or precincts of a factory but also to persons outside the premises or normal place of work so long as they are employed for the purposes of the concerned employer's trade or business.

The proposed revision in the rates of compensation and the extension of the coverage would no doubt place some additional burden on the employers, both in the private and public sectors. But hon. Members will agree that with the increase in the tempo of production and the more intensive utilisation of the existing industrial plants and machinery, occasioned partially by the present emergency, the workers should have a guarantee of adequate compensation in the event of being injured or contracting diseases in the course of their work.

When this Bill was being considered in the Lok Sabha, several suggestions were made for securing more effective enforcement of the Work-

men's Compensation Act so as to ensure the speedy settlement of claims and prompt payment of compensation to the affected workers or their dependants. These suggestions will be kept in view and everything possible will be done to see that workers do not suffer on account of delays.

I commend the amending Bill for the consideration of the House. I hope that it will be unanimously passed.

The question was proposed.

SHRI P. K. KUMARAN (Andhra Pradesh): Madam, this Bill in a way is a bit delayed. The new provisions incorporated in the amending Bill had been decided upon at the 17th Indian Labour Conference held in Madras, I think, in 1959. Anyway, I am glad that the Government has brought forward this Bill in spite of the emergent situation. The compensation rates are to be doubled. I think the existing compensation rates were fixed in 1933 when the cost of living index was almost one-fourth of that obtaining now. Yet the rates are sought to be only doubled. I think the doubling of the rate is not enough. A higher rate has got to be prescribed. Apart from the relief which the affected employees or the families of the deceased employees get, the higher rate has got another aspect. It has a deterrent influence on the negligence in providing safety measures in factories and undertakings, which the managements are not correctly following. Another point is that these rates are not sufficient. Even the rates which the employees are now getting under the Employees State Insurance Scheme are higher than the rates which are prescribed under the new provisions.

Another welcome feature is that the wage-limit of the workers or employees has been raised in respect of those who are eligible for relief under the Workmen's Compensation Act. It has been raised from Rs. 400 to Rs.

500. Although the number of workers eligible by this liberalisation may be less than 1 per cent. or so, they cover an important category, especially the category of supervisors and that is a welcome measure. There was a proposal that the period of sickness was to be reduced from three to two days. I am sorry to say that that provision has not been incorporated here.

The number of accidents is increasing day by day, although the statistics published by the Government shows in certain cases that they have been going down. The number of fatal injuries in factories has increased from .09 per 1,000 to .13 per thousand in 1960. The number of fatal injuries on the Railways has also increased from 0.20 in 1951 to 0.27 in 1960. The number of serious injuries has increased in the mines. In 1958 it was 4.70 and it was 7.15 per thousand in 1960. In the case of docks, in 1951 while the number of injuries was 1982, in 1961 it was 3,837. So, the statistics show that the Government should take more interest in forcing the employers to see that safety measures are instituted properly. After all, however large may be the compensation you pay, it cannot be a substitute for loss of life or even loss of earning capacity. The death of a worker or the loss of earning capacity of a skilled worker is a loss to the nation also.

While rendering workers eligible to claim benefits under the provisions here, some of the new diseases have been included. I am glad that lead poisoning has been included, but in many hospitals, lead poisoning is not being diagnosed as lead poisoning. Even in railway hospitals where trained doctors are available, lead poisoning is not being diagnosed. When the disease is not diagnosed, naturally they are not able to claim the benefits which they can get. Another disease is silicosis. It is an occupational disease in mica mines. But I know, especially in Gudur and in other mica mines, the employers deliberate-

ly instruct the doctors not to diagnose this disease. When the disease is not diagnosed, they cannot claim the benefits. Like that so many provisions are there. Another disease is pneumoconiosis. It is declared as an occupational disease in coal-mines. In India there are nearly four lakhs of coal-mine workers. But, I am afraid, so far there are very few cases where the workers have been eligible for relief under pneumoconiosis infection. What happens is, the doctors do not diagnose the disease as pneumoconiosis. After some time it develops into tuberculosis. Tuberculosis is not an occupational disease and the workers are not eligible for compensation. Like that so many diseases are there. There are many diseases to be declared, but even in respect of those diseases which are declared as occupational diseases, in the absence of proper diagnosis, the workers are not able to take advantage of it.

Then, in the case of death, at present, widows are eligible to get a lump sum relief. If the Government is in a position to purchase land and give it to the widow and her children, that is permissible. But what happens is that the cost of the land is generally fixed by the tehsildar. The land owners do not part with their land at the cost fixed by the tehsildar. So much so, in practice, it is not being implemented at all. My suggestion is that, apart from land, if the widow wants to purchase a shop or set up a small store and other things, such cases should be taken into consideration and a lump sum may be paid in such cases also.

Then, there is the question of disposal of cases which are referred to under the Workmen's Compensation Act. Although now it has been a bit liberalised by giving a six months' period, a large number of cases are pending in the Commissioners' offices for years together. The workers remind them, the trade unions remind them. Even then action is not being taken. I hope that the Government

[Shri P. K. Kumaran.]
will see to it that as far as possible delay is eliminated.

One more point I want to mention before I sit down. It is regarding clause 1 (2) which says:—

“It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.”

I would like the Minister to see that this measure comes into force from the 1st January, 1963. I hope that the Government will have no difficulty in seeing that it is implemented from the 1st January, 1963. With this request I support this Bill.

DR. SHRIMATI SEETA PARMA-NAND (Madhya Pradesh): Madam, I welcome this Bill though it could have come very much earlier. Even in the Bill in its present form there are still many lacunae left, and it should have been possible, as it has taken so long to bring this Bill, for Government, after finding the nature of complaints which workers had to bring during their compensation cases, to bring in those measures also. I would refer, for example, to the usual complaint that the compensation given is so late that, while the worker is ill and is in hospital and the period during which hospitalisation charges are paid to him being very, very short—it was two weeks' wages and it has been increased to three weeks in certain industries—he has to pay the money from his own pocket. Therefore, even if the compensation, that is given usually, is paid a little earlier, even if sometimes the employer makes an advance payment from that compensation, the worker finishes that compensation during his illness. Therefore, while bringing this measure Government should have tried to apply itself to two things. Especially in the case of a disease like pneumoconiosis they have taken care to extend the period to two years and not limiting it to

the time that the workman is in employment. That means that he will bring the complaint even two years afterwards, and the date should begin from the time he lodges such complaint. Therefore, even if the worker has been employed in similar work under two or three employers, so long as the disease has been declared to be a result of the nature of his occupation, the compensation has to be paid by those two or three employers. In such cases the hardship would be greater—though the remedy is thought out that two or three employers even would be liable to pay that compensation to the worker or his family—because assessment has to be made about the exact portion of that claim against two or three employers and it will take still longer, and the remedy will be worse than the disease in this particular case. So the relief given in giving the special privilege to the worker of claiming the compensation from two or three employers will not be a real relief unless Government makes a provision in the rules that so long as it has been decided as a disease due to the nature of employment and so long as the quantum of compensation is also more or less decided, it shall be incumbent on the employers to pay that; when there are two or three of them, they will fight out as to how much each of them should give. Therefore, Government itself should keep aside certain funds to give this compensation and later on recover the amount from the employers just as arrears of land revenue. This is a thing which I hope will be taken care of in the making of rules.

Then there is another thing to which Government should have to apply itself. When they are thinking of giving relief to the workers from the point of view of the nature of injuries sustained by them, they should see that the hospitalisation charges for workers extend to the full period for which they have to remain in a hospital. At present a worker

may continue to be disabled for five or six months. He may not be totally disabled and it may be possible for him to come back to work. There are two handicaps from which he suffers. There is no guarantee that he would be taken back from that period. There is no statutory obligation that he would be given a substitute job of a nature that will be suitable for the type of disablement that he has suffered, and there is no guarantee that for so long as he takes to recover he will have the money to live on. Therefore, these two things not being there—the amount to be paid in anticipation of the final settlement not being there and the amount of sickness dues, that is paid to a worker, not covering the exact period for which, or at least the major period for which, he has to remain disabled or remain hospitalised—this relief, I am afraid, will remain mostly on paper.

Now I would like also to bring to the notice of the hon. Minister one or two things that are experienced in the actual working of this Act and the other Acts. For example, in giving the benefit of the various legislations to workers, the first difficulty arises when the work is not exactly on the site of the industry. Here I am referring to the mines sector where, for example, the railway siding for loading is not on the site of the colliery. The second abuse is also continuing, and that is contract labour which is casual labour, because the definition under the Act in respect of workers' compensation does not include casual labour. Therefore, when there are so many people to be employed as casual labour, the benefit of all these sections which is sought to be given to workers are not enjoyed by them. The two reasons are, the site not being exactly what is covered by the site for the industry, and secondly, quite a large number of workers being casual labour. Therefore, there is one disadvantage that will result, and for that also Government has to take special care. Now the burden for compensation, espe-

cially in connection with diseases which are considered occupational diseases, is put more liberally not only on two or three employers or more but is also extended to a period even after the man leaves the employment. The medical examination of workers might be a little more strict, and the employers themselves would perhaps see that the worker is examined carefully, and that is a good thing. We should not grudge that, but we have to see how difficult it is these days to get employment, and for some reason the doctors available are, of course, the employers' doctors. There should be Government doctors available to workers. The employers may insist that there should be periodic examination or examination even on suspicion and may disqualify some workers for whom they do not like, as is well known in many cases, the various rights of bonus, permanency of service and provident fund to accrue. Even today, the corrupt practice, indulged in by employers is well known of getting rid of workers by stopping continuity of their service on the slightest pretext. For example, when workers go on leave, very often, for some reason or other, their registered letters do not reach their destination. Sometimes when they are ill, they are not able to produce medical certificate. Even a slight delay of two or three days the employers are not prepared to condone. When they insist on medical certificate, of course, we know that in the face of paucity of medical help in the villages, the workers are not able to get it, and their services are discontinued. Therefore, knowing the mentality of the employers, Government will have to see that its Labour Inspectorate exercises vigilance properly over the way in which the employers treat their labour in their particular areas. I want to draw the attention of the hon. Minister to clause 2 where a new proviso has been added, reading:

"Provided that permanent total disablement shall be deemed to result from every injury specified

[Shrimati Seeta Parmanand.]

in Part I of Schedule I or from any combination of injuries specified in Part II thereof where the aggregate percentage of the loss of earning capacity, as specified in the said Part II against those injuries . . .”

Now comes the sentence to which I wish to draw attention—

“ . . . amounts to one hundred per cent. or more;”

The words ‘or more’ were not in the original Act. I quite appreciate that mathematically and logically when a certain injury is now indicated as incurring a disablement of 75 per cent. and a certain injury of 50 per cent, supposing 2 left fingers amount to 50 per cent. and the whole right arm amounts to 95 per cent. the total would be more than 100 per cent. but in regard to human disability, the loss will be 100 per cent. or complete. How can it be more than 100 per cent.? The language may be theoretically correct, to add the words which were not there in the original Act, but I think from the point of view of practical meaning, it sounds rather strange.

Now I would refer to clause 3 in the new Bill and I would read the new proviso that is added, which is a good thing. It reads:

“(i) in sub-section (2), the following provisos shall be inserted at the end, namely:—

‘Provided that if it is proved,—

(a) that a workman whilst in the service of one or more employers in any employment specified in Part C of Schedule III has contracted a disease...peculiar to that employment . . .”

I may here refer to Pneumoconiosis as in the manganese mines and in collieries also—

“ . . . during a continuous period which is less than the period speci-

fied under this sub-section for that employment;”.

In the original Act the period prescribed is 6 months.

“(b) that the disease has arisen out of and in the course of the employment;

the contracting of such disease shall be deemed to be an injury by accident within the meaning of this section.”

I am very glad that this has been put because the employers are always able to play on words to take advantage. This Bill, as I have already pointed out, has taken care of some of those usual complaints that come up.

Now I would refer to another good point that has been introduced here in new clause 5. It reads:

“In section 10 of the principal Act, in sub-section (1) after the first proviso, the following provisos shall be inserted, namely:—

‘Provided further that in case of partial disablement due to the contracting of any such disease and which does not force the workman to absent himself from work, the period of two years shall be counted from the day the workman gives notice of the disablement to his employer.’”

This will also help when the workman had left certain employer and is not taking employment with any other employer but if that disease is found within a period of two years, he will be able to take advantage of this clause. I hope it is so but if it is not so, it should be taken care of in the rules. Even if a worker is not with any other employer, a disease can be taken as contracted from the time it is detected, as it is provided here already and symptoms are mentioned. There should be no doubt left. It reads further:

“Provided further that if a workman who, having been employed in

an employment for a continuous period, specified under sub-section (2) of section 3 in respect of that employment, ceases to be so employed and develops symptoms of an occupational disease peculiar to that employment within two years of the cessation of employment . . .”

I suppose the word ‘accident’ is equivalent to the disease in the definition; otherwise to make matters clear, the disease should be added—

“ . . . the accident shall be deemed to have occurred on the day on which the symptoms were first detected.”

There will also be some difficulty of getting proper medical certificates and, therefore, that little difficulty should not be considered a real problem in giving proof and I suppose the Workmen's Compensation Commissioners will give the benefit of doubt to the workers because they are not always able to get proper certificates and we know, in dealing with cases for maternity benefit. When there is a miscarriage, later on the employers ask the employee to bring a certificate that maternity leave was required and that becomes difficult and the woman usually loses the job for not producing a certificate and reporting for work. These are some of the other things.

Then, addition to section 35 is very good, viz., that all the rules, as according to the provisos in every Act, shall be laid before both the Houses of Parliament and within 30 days, they will have to either accept them or make any modifications if they so desire. I think the rest of the clauses are good, only with this difference that the compensation, though increased now, cannot be considered adequate for the simple reason that the cost of living has gone up four times, at least three times surely enough. In almost every area it has gone up three times and in many areas it has gone up even four or five times. Unless, therefore,

the compensation is increased proportionately, it will not be felt by the workers today, in spite of the extra burden that it puts on the industry, as something really done for them and as a real compensation. I therefore suggest that in order to give some extra relief without increasing the compensation, something in kind by way of medicines and other equipment, which are now to be given, could be given and in addition, care should be taken through the employment exchanges that such people who are partially disabled are given jobs for certain, and checks should be put on that. Although we have rules that people disabled during wars and people disabled in industries themselves should be given light jobs like those of chowkidars or liftmen, in practice we find that usually the reply is that those jobs are already filled and they are not given those jobs. Incidentally I want to bring to the notice of the Minister in this connection that there is abuse practised by employers in spite of the legislations passed one and a half years back about compulsory notification of vacancies. The reference comes in connection with this. It was suggested that such light jobs should be given and those could be given if vacancies were to be compulsorily notified to the exchanges by the employers. What actually happens is, the employers actually fill up the jobs first and then send the pre-dated notification of vacancies. I suggest to the Minister that he should make enquiries from the Employment Exchanges and I can quote several cases where this has happened, and take very strict punitive measures against those industries such as, for example, not giving them the various kinds of help that they ask the Government for as in the matter of giving leases, etc. With these few words, I support the Bill.

श्री विमलकुमार मन्नालालजी चौरड़िया:
(मध्य प्रदेश) : उपसभापति महोदया, मेरे पूर्व वक्ता ने बिल के बारे में जो प्राविजन हैं उनकी काफी चर्चा करके मेरा काम बहुत

[श्री विमलकुमार मन्नालालजी चोरड़िया] हल्का कर दिया है। किन्तु फिर भाँ में शासन की इस सम्बन्ध में आज तककोजो नीति है उसकी ओर ध्यान आकर्षित करना चाहता हूँ। यह बड़ी खुशी की बात है कि हमारी सरकार ने कामगारों को लाभ देने के लिए अच्छा कदम उठाया है और काफी मदद देने का प्रयास किया है। किन्तु अगर तुलनात्मक दृष्टि से देखा जाये तो जो लाभ उनको मिलना चाहिये उसके मुकाबले में हम कितना दे रहे हैं, यह विचारने का सवाल है। हमारी जो पुरानी दरें हैं, सन् १९३३ में जो दरें थी और उस समय रहन सहन का जो स्तर तथा, खर्च था और आज जिस तरह का रहन सहन का स्तर है और खर्च है उसमें काफी अन्तर है। अर्थशास्त्रियों ने जो इन्डेक्स दिया है, हम साधारण नागरिक की हैसियत से जानते हैं कि जो गेहूँ पहले चार रुपया मन मिलता था वह अब सोलह रुपया मन मिलता है और जो घी पहले बारह आना सेर मिलता था वह अब आठ रुपया सेर मिलता है। अगर हम अर्थशास्त्रियों के जनरल इन्डेक्स को भी जाने दें और अपने इन्डेक्स के हिसाब से हिसाब लगायें तो इस समय हम जो दुगुने की व्यवस्था कर रहे हैं वह कोई बड़ा अहसान कामगारों पर नहीं कर रहे हैं। हम कम्पेंसेशन दुगुना करके कम्पलीमेंट की अपेक्षा करते हैं जोकि बिल्कुल निराधार है। हमारे माननीय मंत्री जी को चाहिये था कि इस समय स्थिति को देखते और उसको आधार मान कर चलते। मैं इस समय जो चीजें बाज़ार में ब्लैकमार्केट में मिलती हैं या जिन चीजों की ज्यादा कीमत हो गई है उसके बारे में नहीं कह रहा हूँ बल्कि सरकार के जो अपने आंकड़ें हैं उनके आधार पर हमें कम्पेंसेशन का निर्णय करना चाहिये था। केवल आपके अर्थशास्त्रियों द्वारा जो आंकड़े एकत्र किये जाते हैं उन आंकड़ों के आधार पर आप निर्णय करके दें तो कोई आपत्ति नहीं। उस समय जो दरें थीं, उस समय जो कास्ट आफ लिविंग इन्डेक्स था और आज क्या कास्ट आफ लिविंग

इन्डेक्स है, उसके रेश्यो में हम एक स्थायी फार्मुला बना कर ऐसी फिक्स कर दें जिसके आधार पर यह सारा डिसाइड हुआ करे, तो बार बार न हमें संशोधन लाने की जरूरत पड़ेगी और न बार बार आपको जवाब देना पड़ेगा। हमारे यहां कान्फेंसेज भी काफी होती हैं। कान्फेंस होने के बाद मामला शासन के विचाराधीन चला जाता है। सोशल सिक्वोरिटी के बारे में जो स्टडी ग्रुप सन् १९५८ में बना था उसने एक सिफारिश की थी। फिर १७वीं कान्फेंस हुई सब कमेटी आफ दी इंडियन लेबर कान्फेंस की। अब २०वीं कान्फेंस हो चुकी है। तो तीन कान्फेंसेज उसके बाद हो गईं। अब गवर्नमेंट उसकी सिफारिश के अनुसार इसमें संशोधन लाती है। यह जो तरीका है हमारी सरकार का कोई भी चीज देर से करने का, यह उचित प्रतीत नहीं होता। हमें अगर मजदूरों की स्थिति को ठीक करना है, तो यह अत्यन्त आवश्यक है कि जिन सिद्धान्तों को हम मान्य करते हैं, उन सिद्धान्तों के आधार पर उनको बराबर लाभ दिया जाना चाहिये। हम यह सिद्धान्त मानते हैं कि अमुक बाज़ार में कोई भाव होने पर, हम अमुक दर से, अमुक मात्रा में उनको लाभ देंगे या उनको क्षति होने पर, शारीरिक नुकसान होने पर, हम उनकी इस तरह से क्षतिपूर्ति करेंगे, लेकिन उसका जो रेश्यो निकाला जाता है वह पुरा दरों पर आधारित होता है। होता यह है कि उसकी वजह से स्टडी ग्रुप बैठता है, फिर सारी सिफारिश होती है और काफी लम्बा चौड़ा किस्सा चलता है। वास्तव में उस पुरानी दर को देखते हुए हमारी सरकार को इसमें दुगुने की अपेक्षा चौगुनी वृद्धि करनी चाहिए थी। उसकी वजह से यह बिल लाभदायक हो नहीं सकता। यह ठीक है कि कोई आदमी मर जाय तो आप उसकी डेय के बाद उसकी तनखाह का हिसाब कीजिये। लेकिन यह जो एक हजार, दस हजार, और इस तरह से सारी व्यवस्था इसमें है और सारा टोटल जो

दे रखा है, यह ठीक लगता नहीं। इस दृष्टि में मैं प्रार्थना करूंगा कि हमारी सरकार को प्राइस इंडेक्स के आधार पर, पुरानी दरें क्या थी उसके आधार पर देख करके इसे बढ़ाना चाहिये।

दूसरे, मुआविजा जो दिया जाता है उसमें भी बड़ी तर्क-फ होती है। या तो उनके वारिसों को या जिनकी क्षति हो जाती है, उनको बहुत तर्क-फ होती है। एक दो केसेज नहीं, कई केसेज मुझे मालूम हैं। चम्बल बांध योजना में वर्कमेन्स कम्पेंसेशन ऐक्ट के अन्तर्गत कई लोगों को मुआविजा मिलना था। एक आदमी के दो जवान लड़के झूले से टकराने से मृत हो गये। उसको काफी लिखा पढ़ी करनी पड़ी और फिर तीन साल के बाद मंजूर-शदा रकम मिल पाई। वैसे ही एक आदमी जो गवर्नमेंट सर्विस में था, एक्सीडेंट हो गया, वह बेचारा सर्वे कराने जा रहा था जीप में बैठ करके। जीप उलट गई और उसका हाथ टूट गया और उसकी आंखें बेकार हो गईं। वह मरते-मरते बचा। मैं भूपाल में असेम्बली में था और मैंने उसको पांच साल तक दफ्तरों का चक्कर लगाते देखा ताकि उसका कम्पेंसेशन का मामला तय हो जाय। यह जो काठनाई हमारे यहां आती है, यह क्यों आती है? अगर हमारा प्रोसीजर ठीक नहीं है, हमारे रूल्स ठीक नहीं हैं, तो उनको ठीक किया जाय। अगर रूल्स भी ठीक हैं, प्रोसीजर भी ठीक है तो गड़बड़ कहां पड़ती है। लेने वाला तैयार, हमारे नियम कहते हैं कि उसको दिया जाना चाहिये, मगर बीच में जो देने वाले हैं वे उन रूल्स का ठीक अर्थ नहीं लगाते और उसमें जो देरी करते हैं उसकी वजह से उन लोगों को बड़ा कष्ट होता है। उनको बेकार में दफ्तरों के बहुत से चक्कर लगाने पड़ते हैं और इधर से उधर पत्र व्यवहार करना पड़ता है। जैसा मैंने वहां का किस्सा बताया, उसके जवान लड़के मर गये और फिर उसने कई रजिस्ट्रारिया प्राइम मिनिस्टर

के नाम पर भेजीं कि मेरा बच्चा मर गया है, मुझे कम्पेंसेशन नहीं मिला, मेरा बच्चा मर गया है, मुझे कम्पेंसेशन नहीं मिला, और तब तीन साल के बाद उसको नाम मात्र का कम्पेंसेशन मिला। तो इस ओर भी मैं ध्यान आकर्षित करना चाहूंगा कि हमारी सरकार को इस बारे में विचार करना चाहिये कि यह जो देरी होती है मुआविजा देने में उनके वारिसों को या खुद जिनकी क्षति हो जाती है उनको, यह कैसे दूर की जाय। इसके बारे में हमारी सरकार को कुछ न कुछ ठोस कदम उठाना चाहिये।

तीसरी आर्गोनाइज्ड इंडस्ट्रीज का जहां तक सवाल है उनके लिये कोई विशेष तकलीफ नहीं होती, तन्नीफ होती है हमारी अनआर्गोनाइज्ड जितनी इंडस्ट्रीज हैं उनमें, जहां उनकी ओर लक्ष्य नहीं दिया जाता। बीड़ी, कैशु नाटम के उद्योग हैं और ऐसे ही कई तरह के उद्योग हैं जिनकी ओर हमारी सरकार का विशेष लक्ष्य नहीं है। ऐसी स्थिति में इन इंडस्ट्रीज को आर्गोनाइज करके उनके वर्कर्स को लाभ दिया जा सके, इसके बारे में भी हमारी सरकार को प्रयत्न करना चाहिये इसके अभाव में हमारी जो भावना है वह पूरी नहीं होती है। हम जो कानून पास करते हैं, वे वैसे ही कागजों में रह जाते हैं। वे सुन्दर किताबों में केवल पढ़ने की चीज रह जाते हैं और उनसे जो लाभ मिलना चाहिये वह ठीक तरह नहीं मिल पाता है। हमारा मूल लक्ष्य यह है कि चाहे कानून खराब कागजों में रहे, मगर लोगों को मुआविजा बराबर मिले और जो इंडस्ट्रीज अनआर्गोनाइज्ड हैं उनको आर्गोनाइज किया जाये ताकि उनमें काम करने वाले लोगों को भी लाभ मिल सके। इन शब्दों के साथ जो कुछ थोड़ा बहुत आपने किया है उसका मैं समर्थन करता हूँ।

شہری عبدالعلی (پنجاب) دیپٹی

چھرمندن صاحب - میں خوش ہوں کہ سرکار نے کام کرنے والوں کی آسانی کے

[شری عبدالغنی]

لئے جب وہ مصروفیت میں آتے تو مدد کا فیصلہ کیا اور اس ڈھنگ سے کہ ان کو زیادہ آسانی ہو پچھلے جو ایمرجہنسی ہل تھے گڈس کا انشورنس کرنے کے لئے اور فیکٹری کا انشورنس کرنے کے لئے اس سلسلہ میں جب میں نے آپ کے دوازا عرض کیا تھا کہ ان کو معاوضہ جلد ملے تو ہمارے ڈپٹی منسٹر صاحب نے کہا بھی کہ معاوضہ بہت جلد ملے گا۔ میں جانتا ہوں کہ گورنمنٹ کی جو اسہلت ہے وہ بالکل اسی طرح ہے جیسا ڈپٹی منسٹر صاحب نے فرمایا لیکن مہتمم آج بعض نہیں ریڈتھیمز کی عام جگہ بہت شکایت ہے اور اس کا تجربہ برابر ہوتا ہے۔ جیسا ابھی انہوں نے فرمایا مجھے خود پتا ہے کہ کئی وکر ہڑتے پریشان رہے اور ان کو معاوضہ وقت پر نہیں ملا اس کا کارن کیا ہے؟ اس کا کارن مہتمم یہ ہے کہ یک عادت بن گئی ہے کہ ایک ٹیبل ہی سے دوسرے ٹیبل پر کانڈ جانا ہو تو اس میں کافی فارمولیٹیو ہوتی ہیں۔ مجھے آپ معاف فرمائیں گی میرا اپنا تجربہ ہے کہ میں نے پاکستان کے لئے پاسپورٹ کی درخواست دی تو میں اس کے لئے برابر کھومتا رہا میں حیران تھا۔ پھر میں وہ شخص ہوں مہتمم - جس کی ساری جوانی اکر کوئی تھی تو وہ چیلوں میں گذری۔ مہرے بڑے بھائی چہل میں شہید ہوئے۔ مہری بھری وطن کے کام آئی اور مہری بھتیجی بھی وطن کے

کام آئی - اکر مہرے ساتھ ایسا برتاو افسروں کا ہو سکتا ہے تو دوسروں کے ساتھ کیسا ہوگا - تو مجھے سے یہ کہا گیا توں بچے پھر آؤ - میں نے کہا مہرا اجلاس چل رہا ہے اس پر انہوں نے کہا کہ تمہارا کہیں بہت خراب ہے تم دیس دروہ ہو تمہارا کہیں چھٹ فیکٹری کو بھہچا ہے اور ابھی وہ پنجاب سرکار کو جائیگا تو میں ہنس پوا - مہرے اسی بھائی کی جو شہید ہوا اس کے بچے کی شادی تھی اس پر جانا تھا -

THE DEPUTY CHAIRMAN: Mr. Ghani, why don't you speak something on the Bill?

شری عبدالغنی: میں نے صرف

اس لئے آپ کے ذریعہ توجہ دلائی کہ آفیسر اس سے مجھے شکایت ہے - مجھے آپ سے شکایت نہیں ہے لال بہادر شاستری جی سے شکایت نہیں - ہمدت جواغیر لال نہرو جی سے شکایت نہیں وہ ذاتی طور پر کم سے کم پچیس برس سے مجھے جانتے ہیں -

श्री अकबर अली खान (आन्ध्र प्रदेश):
आफिसर्स भी तो हमारे ही में से है।

شری عبدالغنی: اکبر علی خاں صاحب - مہرے بہت ہی محترم دوست ہیں لیکن کہا میں ان کا مطلب یہ سمجھوں کہ لال بہادر شاستری نے میرا پاسپورٹ روکا ہے یا دانار صاحب نے میرا پاسپورٹ روکا ہے؟

श्री अर्जुन अरोड़ा (उत्तर प्रदेश):
क्या वर्कमेंस कम्पेंसेशन एक्ट में यह लिखा दिया जाय कि आपको पासपोर्ट दिया जाय ? इससे उसका क्या ताल्लुक है ?

شری عبدالغلی : آپ نے خوب فرمایا میں یہاں آفیسروں کی ذمہ داری رکھنا چاہتا ہوں - مجھے نہ ، و پاسپورٹ میں تمہاری کہا پورا کرتا ہوں - اگر میں بارہ سال تک نہ جا سکا اپنی بیوی کی قبر پر تو مجھے اس کی کوئی پروا نہیں - اگر مجھے پاسپورٹ نہیں دینگے تو آسان نہیں کر جائیگا -

THE DEPUTY CHAIRMAN: Please speak on the Bill.

श्री अर्जुन अरोड़ा : मैं यह कह रहा हूँ कि क्या वर्कमेन्स कम्पेन्सेशन एक्ट में यह रख दिया जाय कि आपको पासपोर्ट दिया जाय ।

شری عبدالغلی : میں یہ عرض کر رہا ہوں

THE DEPUTY CHAIRMAN: Please be relevant. You have only a few more minutes.

श्री चन्द्र शेखर (उत्तर प्रदेश) : मैडम, मैं यह अर्ज करना चाहता हूँ कि किसी अफसर की अगर शिकायत होनी है तो कांग्रेस बेचेज को इनकी तकलीफ क्यों होने लगती है ? अगर कोई आदमी अपनी तकलीफ को बात कह रहा है तो मैं जानना चाहता हूँ कि क्या इस तरह की बातें इस हाउस में नहीं की जा सकती ? हमारे मित्र अरोड़ा साहब को क्यों बहुत तकलीफ होती है ?

श्री अर्जुन अरोड़ा : वह बेमौके बात कर रहे हैं ।

شری عبدالغلی : مہدم - اگر ایک اہم - پی کے ساتھ ایسا سلوک ہو سکتا ہے تو ورکمن کے ساتھ کہا سلوک ہوگا آروڑا صاحب کو تو یوں ہی تکلیف

ہوئی - میں حیران ہو گیا کہ کیوں انکو تکلیف ہوئی - اگر کوئی نقص ہے یا اگر ایک اہم - پی کے ساتھ ایسا برتاؤ ہوا ہے - تو ایک عام مزدور کے ساتھ کیا برتاؤ ہوگا - اس لئے میں اس طرف توجہ دلانا چاہتا ہوں - میں تو بل کی حمایت کرتا ہوں - صرف یہ کہتا ہوں کہ اس طرف توجہ دینی چاہئے - توہلک -

THE DEPUTY CHAIRMAN: Deputy Minister.

شری عبدالغلی : تمہاری حالت یہی ہے تو تم ڈوب جاؤ گے -

श्री अर्जुन अरोड़ा . तुम बहुत हल्के हो जो तुम उतराओ ।

شری عبدالغلی : تجربہ ہو جائے گا

†[श्री अब्दुल गनी (पजाब) : डिप्टी चयरमैन साहिबा, मैं खुश हूँ कि सरकार ने काम करन वालों की आसानी के लिये, जब वह मुसीबत में आय तो मदद का फैसला किया और इस डग में उनको ज्यादा आसानी हो । पिछले जो एमरजेसी बिल थे गुड्स का इश्योरेंस करने के लिये और फक्टरी का इन्श्योरेंस करने के लिये, इस सिलसिले में जब मैंने आपके द्वारा अर्ज किया था कि उनको मुआवजा जल्द मिले तो हमारे डिप्टी मिनिस्टर साहब ने कहा भी कि मुआवजा बहुत जल्द मिलेगा । मैं जानता हूँ कि गवर्नमेंट की जो स्ट्रिट है वह बिल्कुल इसी तरह है जैसा डिप्टी मिनिस्टर साहब ने फरमाया लेकिन, मैडम, आज बाज्र नहीं, रेड-डेपिज्म की आम जगह बहुत शिकायत है और उसका तजर्बा बराबर

† [] Hindi transliteration.

[श्री अब्दुल गनी]

होता है। जैसा अभी उन्होंने फरमाया मुझे खुद पता है कि कई वर्कर बड़े परेशान रहे और उनको मुआवजा वक्त पर नहीं मिला। इसका कारण क्या है? इसका कारण मैडम यह है कि एक आदत बन गई है कि एक टेबल ही से दूसरे टेबल पर कागज जाना हो तो उसमें काफी फारमलितोज होती हैं। मुझे आप माफी फरमायेंगे; मेरा अपना तजुर्बा है कि मैंने पाकिस्तान के लिये पासपोर्ट की इरख्वास्त दो तो मैं उसकें लिये बरानर झुमता रहा। मैं हैरात था। फिर मैं वह शब्स हूं मैडम, जिसकी सारी जवानी अगर कोई थी तो वह जलों में गुजरी। मेरे बड़े भाई जेल में शहीद हुये। मेरी बीबी वतन के काम आई और भतीजी भी वतन के काम आई। अगर मेरे साथ एसा बर्ताव अफसरों का हो सकता है तो दूसरों के साथ कैसा होगा। तो मुझसे यह कहा गया तीन बजे फिर आओ। मैंने कहा "मेरा इजलास चल रहा है।" उस पर उन्होंने कहा कि तुम्हारा केस बहुत खराब है, तुम देश द्रोही हो, तुम्हारा केस चीफ सेक्रेटरी को भेजा है और अभी वह पंजाब सरकार को जायगा, तो मैं हंस पड़ा। मेरे उसी भाई की जो शहीद हुआ उसके बच्चे की शादी थी उस पर जाना था।

THE DEPUTY CHAIRMAN: Mr. Ghani, why don't you speak something on the Bill?

श्री अब्दुल गनी : मैंने सिर्फ इसलिये आपके जारिय तवज्जों दिलाई कि आफिसर्स से मुझ शिकायत है। मुझे आपसे शिकायत नहीं है। लाल बहादुर शास्त्री जी से शिकायत नहीं। पंडित जवहारलाल नेहरू जी से शिकायत नहीं। वह जातीतौर पर कम से कम २५ वर्ष से मुझे जानते हैं।

श्री अकबर अली खान (आन्ध्र प्रदेश): आफिसर्स भी तो हमारे ही में से हैं।

श्री अब्दुल गनी : अकबर अली खान साहब मेरे बहुत ही मोहरितम दोस्त हैं लेकिन क्या मैं उनका मतलब यह समझूँ कि लाल बहादुर शास्त्री ने मेरा पासपोर्ट रोका है या दातार साहब ने मेरा पासपोर्ट रोका है।

श्री अर्जुन प्ररोडा (उत्तर प्रदेश): क्या वर्कमेंस कम्पेन्सशन ऐक्ट में यह लिख दिया जाय कि आपको पासपोर्ट दिया जाय? इससे उसका क्या ताल्लुक है?

श्री अब्दुल गनी : आपने खूब फरमाया। मैं यहां आफिसर्स की जहनीयत रखना चाहता हूँ। मुझे ना दो पासपोर्ट; मैं तुम्हारी क्या परवहा करता हूँ। अगर मैं १२ साल तक ना जा सका अपनी बीबी की कब्र पर तो मुझ इसकी कोई परवाह नहीं। अगर मुझे पासपोर्ट नहीं देंगे तो आसमान नहीं गिर जायेगा।

THE DEPUTY CHAIRMAN: Please speak on the Bill.

श्री अर्जुन प्ररोडा : मैं यह कह रहा हूँ कि क्या वर्कमेंस कम्पेन्सेशन ऐक्ट में यह रख दिया जाय कि आपको पासपोर्ट दिया जाये?

श्री अब्दुल गनी : मैं यह अर्ज कर रहा था . . .

THE DEPUTY CHAIRMAN: Please be relevant. You have only a few more minutes.

श्री चन्द्र शोखर (उत्तर प्रदेश) : मैडम, मैं यह अर्ज करना चाहता हूँ कि किसी अफसर की अगर शिकायत होती है तो कांग्रेस बेंच को इतनी तकलीफ क्यों होने लगती है? अगर कोई आदमी अपनी तकलीफ की बात कह रहा है तो मैं जानना चाहता हूँ कि क्या इस तरह की बातें इस हाउस में नहीं की जा सकती? हमारे मित्र अरोड़ा साहब को क्यों बहुत तकलीफ होती है?

श्री अर्जुन अरोड़ा : वह बेमौके बात कर रहे हैं ।

श्री अब्दुल गनी : मैडम, अगर एक एम० पी० के साथ ऐसा सलूक हो सकता है, तो वर्कमैन के साथ क्या सलूक होगा ? अरोड़ा साहब को तो यूँ ही तकलीफ हुई । मैं हैरान हो गया कि क्यों उनको तकलीफ हुई । अगर कोई नुक्स है या अगर एक एम० पी० के साथ ऐसा बर्ताव हुआ है, तो एक भ्राम मजदूर के साथ क्या बर्ताव होगा । इसलिये मैं इस तरफ तवज्जो दिलाना चाहता हूँ । मैं तो बिल की हिमायत करता हूँ । सिर्फ यह कहता हूँ कि इस तरफ तवज्जो देनी चाहिये । थैंक यू ।

THE DEPUTY CHAIRMAN: Deputy Minister.

श्री अब्दुल गनी : तुम्हारी हालत यही है तो तुम डूब जाओगे ।

श्री अर्जुन अरोड़ा : तुम बहुत हल्के हो जो तुम उतराओगे ।

श्री अब्दुल गनी : तजुर्बा हो जायेगा ।]

SHRI C. R. PATTABHI RAMAN: Madam, we are much indebted to the great interest taken by the hon. Members and some of the very useful suggestions given. So far as Shri Kumaran is concerned, Madam, he said that doubling the rate of compensation was not adequate.

SHRI FARIDUL HAQ ANSARI (Uttar Pradesh): I am sorry to interrupt the hon. Minister. I strongly object to the words used by my hon. friend, Shri Arora. Probably he does not understand their meaning. "तुम बहुत हल्के हो" in Urdu means, You are very cheap". Therefore, I strongly object to these words. They should be deleted.

SHRI JOSEPH MATHEN (Kerala): If you are cheap, it can be mentioned.

SHRI C. R. PATTABHI RAMAN: Madam, I was just stating with regard to the adequacy of the compensation that I would not rest content with stating that the capacity of the employer has got to be kept in mind. Actually, Madam, apart from the capacity, it has to be considered that the compensation paid is related to the wages of the employees. Wages in many of the employments have trebled and quadrupled and compensation being double means six to eight times their wages. Therefore, doubling, in my humble submission, would be adequate. Shri Kumaran also referred to the increase in the accident rate. To some extent it is correct to say that the accident rate is increasing but this is because of the increased tempo of production and the setting up of more hazardous industries. The old industries like textile and similar industries were not so accident-prone. The engineering industry that is now being developed is more hazardous.

SHRI AKBAR ALI KHAN: But I hope greater precautions are also being taken.

SHRI C. R. PATTABHI RAMAN: Apart from putting instructions and having first-aid boxes, the workers are being warned to wear masks in mica mines and so on, but I must confess that they are not enforced very strictly. We are taking great care to see to it that they are strictly followed. It will interest hon. Members to know that mica mining is simpler if it is a dry mine. If a person gets this disease, silicosis, he can live for two or three years. We find that watering seams make the workers less prone to silicosis but the workers prefer to work in a dry mine because they can get more mica and more wages. We are taking every precaution—I have just given one example—to prevent that. Dr. Seeta Parmanand, if I may say so with great respect to her, has great experience of the mining areas and she has stated that there should be some remedy where the compensation has to be paid by two or three employers.

[Shri C. R. Pattabhi Raman.]

She said, in such a case, the disease would be worse than the remedy—these are the exact words used by her. Actually, the Commissioner will decide the proportion to be paid by each employer. The worker will not have to approach the individual employers. That is the provision today.

DR. SHRIMATI SEETA PARMANAND: It takes a long time for all the employers to come together and agree.

SHRI C. R. PATTABHI RAMAN: Then comes the question of contractors' labour. This is King Charles's head cropping up again and again. Well, casual labour and contractors' labour are covered under the Act. The only thing is that the casual labour employed not for the purpose of the employer's trade or business are not included. This is the only thing that exists there.

There was some debate about the wording of the clause in regard to injuries. In the situation as it is, it is quite possible to envisage hundred per cent. or more. This may hurt the grammatical sense of some hon. Members.

With regard to the definition of occupational diseases, section 2(3) (ii) is quite clear. I do not know whether hon. Members want me to read it. I submit in all humility that it covers the situation.

Shri Chordia referred to certain points. I do not profess to understand the Hindi spoken . . .

DR. SHRIMATI SEETA PARMANAND: I want one clarification. For total disablement, it is hundred per cent. If there are two disablements, seventy-five per cent. and sixty per cent. it will come to one hundred and thirty-five per cent. Whatever the disablement, a man's earning capacity is one hundred. Does it mean that because he has got two great disablements, he has been incapacitated to the extent of—to

earn sixty plus seventy-five per cent., that is—one hundred and thirty-five per cent?

SHRI C. R. PATTABHI RAMAN: Perhaps it will help hon. Members if I were to give the table. I think some hon. Members may not have the information. I will just give two or three incidents. If a man's wage is ten rupees, on death he will get five hundred rupees and for disablement, seventy times, that is, seven hundred rupees, half monthly five rupees. If his salary is Rs. 30, he will get Rs. 900 in the case of death and fortytwo times for disablement, that is, Rs. 1260. It comes to less than one-third. If his pay is Rs. 200, it is 17½ per cent., Rs. 3500 for death and Rs. 4900 for permanent disablement; here, it is less than one-sixth. If his salary is Rs. 400—this was the highest—it would come to Rs. 4500 and Rs. 6500 respectively.

DR. SHRIMATI SEETA PARMANAND: This is not the point. "Hundred per cent. and more". What does that come to?

SHRI C. R. PATTABHI RAMAN: It may be putting 135 per cent . . .

DR. SHRIMATI SEETA PARMANAND: He should get 135 per cent?

SHRI C. R. PATTABHI RAMAN: One other factor may be of interest to hon. Members. A person getting Rs. 101 gets the same compensation as a person getting Rs. 200, and a person getting Rs. 301 gets the same as a person getting Rs. 400 which now has been raised to Rs. 500.

Then, so far as Shri Chordia is concerned, I was not able to catch many of his points but I have got the benefit of a translation from the officers of the Ministry. Apart from the employers' capacity to pay, I have also referred to the salaries today being four or five times more than in the twenties. The only other point which remains is with regard to the definition to which I have already referred while answer-

ing Dr. Parmanand. I do not wish to add anything more except to give one more statistical fact which may be of interest. I will mention it in millions. In 1959, the number of workers covered by this Act was 3,547,521 whereas in 1960, it rose to 4,631,338. So far as compensation cases in 1959 are concerned, it was 1,075 deaths, permanent disablement 5,066, temporary disablement 70,086, giving a total of 76,227 cases. In 1960, deaths accounted for 1,425 cases; there were 4,875 permanent disablement cases and 82,655 temporary disablement cases. The accident rate per thousand workers has fallen from 19.97 in 1959 to 19.21 in 1960.

THE DEPUTY CHAIRMAN: Mr. Chordia also raised the question of delay in the procedure resulting in delay in receiving compensation.

SHRI C. R. PATTABHI RAMAN: Hon. Members are aware that the State Governments have to come into the picture. We are trying and we are taking more effective steps to see that the Commissioners are more alert in dealing with these cases and also that there is no delay.

DR. SHRIMATI SEETA PARMANAND: I had also raised the question—to which reply has not been given—that the compensation given for disablement is given so late and the period of treatment is not covered. It is given so late that they have to incur debts in which the compensation amount is swallowed up.

SHRI C. R. PATTABHI RAMAN: So far as the period of hospitalisation is concerned, I have taken note of it and we will see to it that the implementation is made properly.

THE DEPUTY CHAIRMAN: The question is:

“That the Bill further to amend the Workmen’s Compensation Act, 1923, as passed by the Lok Sabha, be taken into consideration.”

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration.

Clauses 2 to 12 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI C. R. PATTABHI RAMAN: Madam, I move:

“That the Bill be passed.”

The question was put and the motion was adopted.

—
THE MULTI-UNIT CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 1962

THE DEPUTY MINISTER IN THE MINISTRY OF COMMUNITY DEVELOPMENT, PANCHAYATI RAJ AND CO-OPERATION (SHRI S. D. MISRA): Madam, I beg to move:

“That the Bill further to amend the Multi-unit Co-operative Societies Act, 1942, as passed by the Lok Sabha, be taken into consideration.”

This is a very short, simple and most non-controversial Bill arising out of a certain difficulty and it is a technical difficulty. Co-operation, as the House knows, is a State subject but there are certain societies which are not working in one State but which have their jurisdiction and their objects in more than one State. To achieve that object and for the working of such societies, which are called multi-unit co-operative societies, the Multi-unit Co-operative Societies Act was passed in 1942. Today in this country there are hundreds of multi-unit co-operative societies of varying nature working in the various sectors of our economy. Due to the reorganisation of the States, this Multi-unit Co-operative Societies Act was amended in 1956 and again in 1959 and the amendments included the possibilities of including this type of co-operative societies created after the reorganisa-